UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,684	03/18/2004	Janne La. Aaltonen	042933/273790	6181

826   7590   12/27/2007

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EXAMINER
SHIU, HO T

ART UNIT	PAPER NUMBER
4152	

MAIL DATE	DELIVERY MODE
12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/803,684	AALTONEN ET AL.
	Examiner	Art Unit	
	HO SHIU	4152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 March 2004</u>.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-101</u> is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-101</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>18 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date <u>18 MArch 2004, 10 August 2005</u>.
4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-101 are pending in this application.

Claim Objections

2.   Claims 15, 53, and 72 are objected to because of the following informalities.

Claims 15, 53, and 72 recites "thereafer". For examination purposes, the claim will be

interpreted as "thereafter". Appropriate correction is required.

3.   Claim 37 is objected to because of the following informalities. Claim 37 recites

"nework" and "thereafer". For examination purposes, the claim will be interpreted as

"network" and "thereafter". Appropriate correction is required.

4.   Claims 61 and 63 are objected to because of the following informalities. Claims

61 and 63 recites "receiving the state information comprises receiving state information

comprising". It seems that it is a repeating statement which should not be there. For

examination purposes, the claim will be interpreted as "receiving the state information

comprising". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

6. Claims 20, 22, 42, 44, 77, 79, 99 and 101 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claims 20, 22, 42, 44, 77, 79, 99 and 101, the phrase "bit range" as related to the remaining portion of the content does not define the remaining portion of the content and renders the claim indefinite. For examination purposes, bit range of the remaining portion of the content is interpreted as content which contains bits.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. **Claims 1-8, 12, 13, 23-30, 34, 35, 45-48, 51, 52, 58-65, 69, 70, 80-87, 91, and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonnell et al. (US Patent 7,257,386 B1, hereinafter McDonnell) in view of Brown et al. (US PUB 2002/0194205 A1, hereinafter Brown).**

10. With respect to claim 1, McDonnell discloses a system for uploading content comprising: a sender capable of sending an upload request, wherein the upload request

comprises a request to upload content from the sender to a recipient (column 6, lines 18-32); and a network entity capable of receiving the upload request (column 7, lines 11-14) but does not disclose determining an upload schedule relating to at least one of the time and manner of uploading the content, and wherein the sender is capable of uploading the content to the recipient in accordance with the upload schedule.

In the same field of endeavor, Brown discloses determining an upload schedule relating to at least one of the time and manner of uploading the content, and wherein the sender is capable of uploading the content to the recipient in accordance with the upload schedule ([0028], lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of McDonnell with the teachings of Brown in order to efficiently upload content due to bandwidth, time, file size, and various criteria.

11.   With respect to claim 2, the claim is rejected for the same reasons as claim 1 above. McDonnell does not disclose the sender is further capable of deleting the content from memory of the sender after uploading the content to the recipient.

In the same field of endeavor, Brown discloses the sender is further capable of deleting the content from memory of the sender after uploading the content to the recipient ([0094], lines 2-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of McDonnell with the teachings of

Brown in order to have full authority/control over content that was meant to be accessed

for a short period amount of time, for saving storage purposes, or other general

purposes.

12.   With respect to claim 3, the claim is rejected as the same reasons as claim 1

above. McDonnell discloses instruction based upon state information regarding at least

one of the recipient and the sender, and wherein the sender is further capable of

receiving the state information before uploading the content such that the sender is

capable of uploading the content based upon the state information (column 7, lines 45-

50).

13.   With respect to claim 4, the claim is rejected as the same reasons as claims 1

and 3 above. McDonnell discloses the sender is capable of receiving state information

comprising at least one of a connectivity, location, actual movement and predicted

movement of at least one of the recipient and the sender (column 7, lines 45-50, column

8, lines 40-42).

14.   With respect to claim 5, the claim is rejected as the same reasons as claim 1

above. McDonnell discloses which the content is uploaded, and wherein the sender is

further capable of receiving the state information before uploading the content such that

the sender is capable of uploading the content based upon the state information

(column 7, lines 39-41, lines 45-50).

15.   With respect to claim 6, the claim is rejected as the same reasons as claims 1

and 5 above. McDonnell discloses the sender is capable of receiving state information

comprising at least one of traffic on the at least one network and bandwidth available to

at least one of the recipient and the sender on the at least one network (column 7, lines

39-41, lines 45-50, column 6, lines 33-40).

16.   With respect to claim 7, the claim is rejected as the same reasons as claim 1

above. In addition, Brown discloses one instruction defining processing the content,

and wherein the sender is further capable of processing the content such that the

sender is capable of uploading the processed content ([0099], lines 1-5, [0100], lines 4-

7).

17.   With respect to claim 8, the claim is rejected as the same reasons as claims 1

and 7 above. In addition, Brown discloses the sender is capable of at least one of

transcoding and truncating at least a portion of the content such that the sender is

capable of uploading the at least one of the transcoded and truncated portion of the

content ([0099], lines 1-5, [0100], lines 4-7).

18.   With respect to claim 12, the claim is rejected as the same reasons as claim 1

above. McDonnell discloses at least one instruction based upon the content and at

least one network over which the content is uploaded, and wherein the sender is

capable of uploading the content based upon the content and the at least one network

(column 6, lines 33-40, lines 55-58).

19.   With respect to claim 13, the claim is rejected as the same reasons as claim 1

above. McDonnell discloses at least one instruction based upon at least one upload

time of the content determined based upon the content and at least one network over

which the content is uploaded, and wherein the sender is capable of uploading the

content based upon the at least one upload time (column 6, lines 33-40, lines 55-58).

20.   With respect to claim 23, McDonnell discloses a terminal for uploading content

comprising: a controller capable of sending an upload request to a network entity, the

upload request comprising a request to upload content from the terminal to a recipient

(column 6, lines 18-32), wherein the controller is capable of sending the upload request

(column 7, lines 11-14) but does not disclose the network entity is capable of

determining an upload schedule relating to at least one of the time and manner of

uploading the content, and wherein the controller is capable of uploading the content to

the recipient in accordance with the upload schedule.

    In the same field of endeavor, Brown discloses the network entity is capable of

determining an upload schedule relating to at least one of the time and manner of

uploading the content, and wherein the controller is capable of uploading the content to

the recipient in accordance with the upload schedule ([0028], lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to modify the teachings of McDonnell with the teachings of
Brown in order to efficiently upload content due to bandwidth, time, file size, and various
criteria.

21.   With respect to claim 24, the claim is rejected for the same reasons as claim 23
above. McDonnell does not disclose a memory capable of storing the content, wherein
the controller is capable of deleting the content from the memory after uploading the
content to the recipient.

In the same field of endeavor, Brown discloses a memory capable of storing the
content, wherein the controller is capable of deleting the content from the memory after
uploading the content to the recipient ([0094], lines 2-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to modify the teachings of McDonnell with the teachings of
Brown in order to have full authority/control over content that was meant to be accessed
for a short period amount of time, for saving storage purposes, or other general
purposes.

22.   With respect to claim 25, the claim is rejected as the same reasons as claim 23
above. McDonnell discloses at least one instruction based upon state information
regarding at least one of the recipient and the terminal, and wherein the controller is
capable of receiving the state information before uploading the content such that the

controller is capable of uploading the content based upon the state information (column 7, lines 45-50).

23.   With respect to claim 26, the claim is rejected as the same reasons as claims 23 and 25 above. McDonnell discloses a controller is capable of receiving state information comprising at least one of a connectivity, location, actual movement and predicted movement of at least one of the recipient and the terminal (column 7, lines 45-50, column 8, lines 40-42).

24.   With respect to claim 27, the claim is rejected as the same reasons as claim 23 above. McDonnell discloses at least one instruction based upon state information regarding at least one network over which the content is uploaded, and wherein the controller is capable of receiving the state information before uploading the content such that the controller is capable of uploading the content based upon the state information (column 7, lines 39-41, lines 45-50).

25.   With respect to claim 28, the claim is rejected as the same reasons as claims 23 and 27 above. McDonnell discloses a controller is capable of receiving state information comprising at least one of traffic on the at least one network and bandwidth available to at least one of the recipient and the terminal on the at least one network (column 7, lines 39-41, lines 45-50, column 6, lines 33-40).

26.   With respect to claim 29, the claim is rejected as the same reasons as claim 23 above. In addition, Brown discloses at least one instruction defining processing the content, and wherein the controller is capable of processing the content such that the controller is capable of uploading the content comprises uploading the processed content ([0099], lines 1-5, [0100], lines 4-7).

27.   With respect to claim 30, the claim is rejected as the same reasons as claims 23 and 29 above. In addition, Brown discloses a controller is capable of at least one of transcoding and truncating at least a portion of the content such that the controller is capable of uploading the at least one of the transcoded and truncated portion of the content ([0099], lines 1-5, [0100], lines 4-7).

28.   With respect to claim 34, the claim is rejected as the same reasons as claim 23 above. McDonnell discloses at least one instruction based upon the content and at least one network over which the content is uploaded, and wherein the controller is capable of uploading the content based upon the content and the at least one network (column 6, lines 33-40, lines 55-58).

29.   With respect to claim 35, the claim is rejected as the same reasons as claim 23 above. McDonnell discloses at least one instruction based upon at least one upload time of the content determined based upon the content and at least one network over

which the content is uploaded, and wherein the controller is capable of uploading the

content based upon the at least one upload time (column 6, lines 33-40, lines 55-58).

30.   With respect to claim 45, McDonnell discloses a network entity comprising: a

processor capable of operating an upload agent, the upload agent being capable of

receiving a request to upload content from a sender (column 6, lines 18-32) but does

not disclose determining an upload schedule relating to at least one of the time and

manner of uploading the content, wherein the upload agent is capable of determining

the upload schedule such that the sender is thereafter capable of uploading the content

in accordance with the upload schedule.

        In the same field of endeavor, Brown discloses determining an upload schedule

relating to at least one of the time and manner of uploading the content, wherein the

upload agent is capable of determining the upload schedule such that the sender is

thereafter capable of uploading the content in accordance with the upload schedule

([0028], lines 1-7).

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the teachings of McDonnell with the teachings of

Brown in order to efficiently upload content due to bandwidth, time, file size, and various

criteria.

31.   With respect to claim 46, the claim is rejected for the same reasons as claim 45

above. McDonnell discloses the upload agent is capable of determining an upload

schedule including at least one instruction based upon state information regarding at least one of the recipient and the sender such that the sender is capable of receiving the state information before uploading the content to thereby upload the content based upon the state information (column 7, lines 45-50).

32.   With respect to claim 47, the claim is rejected for the same reasons as claim 45 above. McDonnell discloses the upload agent is capable of determining an upload schedule including at least one instruction based upon state information regarding at least one network over which the content is uploaded such that the sender is capable of receiving the state information before uploading the content to thereby upload the content based upon the state information (column 7, lines 39-41, lines 45-50).

33.   With respect to claim 48, the claim is rejected for the same reasons as claim 45 above. In addition, Brown discloses the upload agent is capable of determining an upload schedule including at least one instruction defining processing the content such that the sender is capable of processing the content and uploading the processed content ([0099], lines 1-5, [0100], lines 4-7).

34.   With respect to claim 51, the claim is rejected for the same reasons as claim 45 above.   McDonnell discloses the upload agent is capable of determining an upload schedule including at least one instruction based upon the content and at least one network over which the content is uploaded such that the sender is capable of

uploading the content based upon the content and the at least one network (column 6, lines 33-40, lines 55-58).

35.   With respect to 52, the claim is rejected for the same reasons as claim 45 above. McDonnell discloses the upload agent is capable of determining an upload schedule including at least one instruction based upon at least one upload time of the content such that the sender is capable of uploading the content based upon the at least one upload time, the at least one upload time of the content being determined based upon the content and at least one network over which the content is uploaded (column 6, lines 33-40, lines 55-58).

36.   With respect to claim 58, McDonnell discloses a method of uploading content comprising: receiving an upload request from a sender, wherein the upload request comprises a request to upload content from the sender to a recipient (column 6, lines 18-32) but does not disclose determining an upload schedule relating to at least one of the time and manner of uploading the content; and uploading the content to the recipient in accordance with the upload schedule.

In the same field of endeavor, Brown discloses determining an upload schedule relating to at least one of the time and manner of uploading the content; and uploading the content to the recipient in accordance with the upload schedule ([0028], lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of McDonnell with the teachings of

Brown in order to efficiently upload content due to bandwidth, time, file size, and various

criteria.

37.   With respect to claim 59, the claim is rejected for the same reasons as claim 58

above. McDonnell does not disclose deleting the content from memory of the sender

after uploading the content to the recipient.

In the same field of endeavor, Brown discloses deleting the content from memory

of the sender after uploading the content to the recipient ([0094], lines 2-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the teachings of McDonnell with the teachings of

Brown in order to have full authority/control over content that was meant to be accessed

for a short period amount of time, for saving storage purposes, or other general

purposes.

38.   With respect to claim 60, the claim is rejected for the same reasons as claim 58

above. McDonnell discloses at least one instruction based upon state information

regarding at least one of the recipient and the sender, and wherein the method further

comprises: receiving the state information before uploading the content, wherein

uploading the content comprises uploading the content based upon the state

information (column 7, lines 45-50).

39.   With respect to claim 61, the claim is rejected for the same reasons as claims 58

and 60 above. McDonnell discloses receiving the receiving state information

comprising at least one of a connectivity, location, actual movement and predicted

movement of at least one of the recipient and the sender (column 7, lines 45-50, column

8, lines 40-42).

40.   With respect to claim 62, the claim is rejected for the same reasons as claim 58

above. McDonnell discloses at least one instruction based upon state information

regarding at least one network over which the content is uploaded, and wherein the

method further comprises: receiving the state information before uploading the content,

wherein uploading the content comprises uploading the content based upon the state

information (column 7, lines 39-41, lines 45-50).

41.   With respect to claim 63, the claim is rejected for the same reasons as claims 58

and 62 above. McDonnell discloses receiving state information comprising at least one

of traffic on the at least one network and bandwidth available to at least one of the

recipient and the sender on the at least one network (column 7, lines 39-41, lines 45-50,

column 6, lines 33-40.

42.   With respect to claim 64, the claim is rejected as the same reasons as claim 58

above. In addition, Brown discloses at least one instruction defining processing the

content, and wherein the method further comprises: processing the content, and

wherein uploading the content comprises uploading the processed content ([0099], lines 1-5, [0100], lines 4-7).

43.   With respect to claim 65, the claim is rejected as the same reasons as claims 58 and 64 above. In addition, Brown discloses at least one of transcoding and truncating at least a portion of the content, and wherein uploading the content comprises uploading the at least one of the transcoded and truncated portion of the content ([0099], lines 1-5, [0100], lines 4-7).

44.   With respect to claim 69, the claim is rejected as the same reasons as claim 58 above. McDonnell discloses at least one instruction based upon the content and at least one network over which the content is uploaded, and wherein uploading the content comprises uploading the content based upon the content and the at least one network (column 6, lines 33-40, lines 55-58).

45.   With respect to claim 70, the claim is rejected as the same reasons as claim 58 above. McDonnell discloses at least one instruction based upon at least one upload time of the content determined based upon the content and at least one network over which the content is uploaded, and wherein uploading the content comprises uploading the content based upon the at least one upload time (column 6, lines 33-40, lines 55-58).

46.   With respect to claim 80, McDonnell discloses a computer program product for

uploading content, the computer program product comprising at least one computer-

readable storage medium having computer-readable program code portions stored

therein, the computer-readable program code portions comprising: a first executable

portion for receiving an upload request from a sender, wherein the upload request

comprises a request to upload content from the sender to a recipient (column 6, lines

18-32) but does not disclose a second executable portion for determining an upload

schedule relating to at least one of the time and manner of uploading the content; and a

third executable portion for uploading the content to the recipient in accordance with the

upload schedule.

In the same field of endeavor, Brown discloses a second executable portion for

determining an upload schedule relating to at least one of the time and manner of

uploading the content; and a third executable portion for uploading the content to the

recipient in accordance with the upload schedule ([0028], lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the teachings of McDonnell with the teachings of

Brown in order to efficiently upload content due to bandwidth, time, file size, and various

criteria.

47.   With respect to claim 81, the claim is rejected as the same reasons as claim 80

above. McDonnell does not disclose a fourth executable portion for deleting the content

from memory of the sender after uploading the content to the recipient.

In the same field of endeavor, Brown discloses a fourth executable portion for deleting the content from memory of the sender after uploading the content to the recipient ([0094], lines 2-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of McDonnell with the teachings of Brown in order to have full authority/control over content that was meant to be accessed for a short period amount of time, for saving storage purposes, or other general purposes.

48.   With respect to claim 82, the claim is rejected as the same reasons as claim 80 above. McDonnell discloses at least one instruction based upon state information regarding at least one of the recipient and the sender, and wherein the computer program product further comprises: a fourth executable portion for receiving the state information before uploading the content, wherein the third executable portion is adapted to upload the content based upon the state information (column 7, lines 45-50).

49.   With respect to claim 83, the claim is rejected as the same reasons as claims 80 and 82 above. McDonnell discloses the fourth executable portion is adapted to receive state information comprising at least one of a connectivity, location, actual movement and predicted movement of at least one of the recipient and the sender (column 7, lines 45-50, column 8, lines 40-42).

50.   With respect to claim 84, the claim is rejected as the same reasons as claim 80

above. McDonnell discloses at least one instruction based upon state information

regarding at least one network over which the content is uploaded, and wherein the

computer program product further comprises: a fourth executable portion for receiving

the state information before uploading the content, wherein the third executable portion

is adapted to upload the content based upon the state information (column 7, lines 39-

41, lines 45-50).

51.   With respect to claim 85, the claim is rejected as the same reasons as claims 80

and 84 above. McDonnell discloses the fourth executable portion is adapted to receive

state information comprising at least one of traffic on the at least one network and

bandwidth available to at least one of the recipient and the sender on the at least one

network (column 7, lines 39-41, lines 45-50, column 6, lines 33-40).

52.   With respect to claim 86, the claim is rejected as the same reasons as claim 80

above. In addition, Brown discloses at least one instruction defining processing the

content, and wherein the computer program product further comprises: a fourth

executable portion for processing the content, and wherein the third executable portion

is adapted to upload the processed content ([0099], lines 1-5, [0100], lines 4-7).

53.   With respect to claim 87, the claim is rejected as the same reasons as claims 80

and 86 above. In addition, Brown discloses at least one of transcode and truncate at

least a portion of the content, and wherein the third executable portion is adapted to

upload the at least one of the transcoded and truncated portion of the content ([0099],

lines 1-5, [0100], lines 4-7).

54.   With respect to claim 91, the claim is rejected as the same reasons as claim 80

above. McDonnell discloses at least one instruction based upon the content and at

least one network over which the content is uploaded, and wherein the third executable

portion is adapted to upload the content based upon the content and the at least one

network (column 6, lines 33-40, lines 55-58).

55.   With respect to claim 92, the claim is rejected as the same reasons as claim 80

above. McDonnell discloses at least one instruction based upon at least one upload

time of the content determined based upon the content and at least one network over

which the content is uploaded, and wherein the third executable portion is adapted to

upload the content based upon the at least one upload time (column 6, lines 33-40,

lines 55-58).

56.   Claims 9, 11, 15-20, 31, 33, 37-42, 50, 53-57, 66, 68, 72-77, 88, 90, and 94-99

are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonnell in view

of Brown as applied to claims 1, 7, 8 , 23, 29, 45, 58, 64, 80, and 86 and in further

view of Kohno (US Pub 2003/0120802 A1, hereinafter Kohno).

57.   With respect to claim 9, the claim is rejected as the same reasons as claims 1

and 7 above. The combination of McDonnell and Brown does not disclose the sender is

capable of breaking up the upload content into a plurality of portions such that the

sender is capable of uploading the portions of the upload content.

However, in the same field of endeavor, Kohno discloses the sender is capable

of breaking up the upload content into a plurality of portions such that the sender is

capable of uploading the portions of the upload content ([0068], lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for performance on any machine/system/etc. not to

suffer since a file is held in memory until the upload is complete which in sense a

smaller file will require less memory at a given time.

58.   With respect to claim 11, the claim is rejected as the same reasons as claim 1

above. The combination of McDonnell and Brown does not disclose the content

includes a plurality of pieces, wherein the upload schedule includes at least one

instruction comprising an ordering of the plurality of pieces of the content, and wherein

the sender is capable of uploading at least a portion of the content based upon the

ordering of the plurality of pieces of the content.

However, in the same field of endeavor, Kohno discloses the content includes a

plurality of pieces, wherein the upload schedule includes at least one instruction

comprising an ordering of the plurality of pieces of the content, and wherein the sender

is capable of uploading at least a portion of the content based upon the ordering of the plurality of pieces of the content ([0114], lines 4-8, [0115], lines 1-7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for the transferring of data to be in sync with one another so that streaming of video, audio, or files of the same nature can be provided to the designated location without having to complexly re-configure the assortment of data received.

59.   With respect to claim 15, the claim is rejected as the same reasons as claim 1 above. The combination of McDonnell and Brown does not disclose the content comprises a plurality of data packets, and wherein the sender is capable of sending an upload descriptor and thereafter uploading the content, wherein at least one of the sender and the network entity is capable of determining if an interruption occurs in uploading the plurality of data packets such that the recipient receives less than the plurality of data packets of the content, and wherein, if an interruption occurs in uploading the plurality of data packets, the network entity is capable of recovering the content based upon the upload descriptor such that the recipient receives the plurality of data packets.

However, in the same field of endeavor, Kohno discloses the sender is capable of sending an upload descriptor and thereafter uploading the content ([0069], lines 5-14), wherein at least one of the sender and the network entity is capable of determining

if an interruption occurs in uploading the plurality of data packets such that the recipient

receives less than the plurality of data packets of the content ([0074], lines 1-3), and

wherein, if an interruption occurs in uploading the plurality of data packets, the network

entity is capable of recovering the content based upon the upload descriptor such that

the recipient receives the plurality of data packets ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for the designated recipient to acknowledge that files

are missing during transfer due to known/unknown errors/interruptions and so that

proper re-transfer of the missing files only will be transmitted again to save time,

bandwidth, memory, cost, etc.

60.   With respect to claim 16, the claim is rejected as the same reasons as claims 1

and 15 above.   Kohno discloses the network entity is capable of recovering the content

by determining at least one remaining data packet to be uploaded to the recipient to

thereby complete uploading of the plurality of data packets of the content, and thereafter

instructing the sender to send the at least one remaining data packet such that the

recipient receives the at least one remaining data packet ([0074], lines 1-15).

61.   With respect to claim 17, the claim is rejected as the same reasons as claim 1

above.   The combination of McDonnell and Brown does not disclose the content

comprises a plurality of data packets, and wherein the sender is capable of uploading

the plurality of data packets and at least one information packet regarding at least one group of at least one data packet.

However, in the same field of endeavor, Kohno discloses the content comprises a plurality of data packets, and wherein the sender is capable of uploading the plurality of data packets and at least one information packet regarding at least one group of at least one data packet ([0069], lines 1-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for the designated recipient to acknowledge that files are missing during transfer due to known/unknown errors/interruptions and so that proper re-transfer of the missing files only will be transmitted again to save time, bandwidth, memory, cost, etc.

62.   With respect to claim 18, the claim is rejected as the same reasons as claims 1 and 17 above. The combination of McDonnell and Brown does not disclose the network entity is capable of monitoring the uploaded data packets to determine, based upon at least one information packet, if an interruption occurs in uploading the plurality of data packets such that the recipient receives less than the plurality of data packets of the content, and wherein, if an interruption occurs in uploading the plurality of data packets, the network entity is capable of recovering the content such that the recipient receives the plurality of data packets.

However, in the same field of endeavor, Kohno discloses the network entity is capable of monitoring the uploaded data packets to determine, based upon at least one information packet, if an interruption occurs in uploading the plurality of data packets such that the recipient receives less than the plurality of data packets of the content, and wherein, if an interruption occurs in uploading the plurality of data packets, the network entity is capable of recovering the content such that the recipient receives the plurality of data packets ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for performance on any machine/system/etc. not to suffer since a file is held in memory until the upload is complete which in sense a smaller file will require less memory at a given time and also provide information as to what part of the file has been sent to the designated system/device.

63.   With respect to claim 19, the claim is rejected as the same reasons as claim 1 above. The combination of McDonnell and Brown does not disclose at least one of the sender and the network entity is capable of determining if an interruption occurs in uploading the content such that the recipient only receives a portion of the content, and wherein, if an interruption occurs in uploading the content, the sender is capable of receiving a length of the received portion of the content such that the sender is capable of thereafter uploading a remaining portion of the content to thereby recover the content such that the recipient receives all of the content.

However, in the same field of endeavor, Kohno discloses at least one of the

sender and the network entity is capable of determining if an interruption occurs in

uploading the content such that the recipient only receives a portion of the content, and

wherein, if an interruption occurs in uploading the content, the sender is capable of

receiving a length of the received portion of the content such that the sender is capable

of thereafter uploading a remaining portion of the content to thereby recover the content

such that the recipient receives all of the content ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for the designated recipient to acknowledge that files

are missing during transfer due to known/unknown errors/interruptions and so that

proper re-transfer of the missing files only will be transmitted again to save time,

bandwidth, memory, cost, etc.

64.   With respect to claim 20, the claim is rejected as the same reasons as claims 1

and 19 above.   Kohno discloses the sender is capable of uploading a remaining portion

of the content based upon a bit range of the remaining portion of the content ([0074],

lines 1-15, [0069], lines 5-8).

65.   With respect to claim 31, the claim is rejected as the same reasons as claims 23

and 29 above. The combination of McDonnell and Brown does not disclose the

controller is capable of breaking up the upload content into a plurality of portions such

that the controller is capable of uploading the portions of the upload content.

However, in the same field of endeavor, Kohno discloses the controller is

capable of breaking up the upload content into a plurality of portions such that the

controller is capable of uploading the portions of the upload content ([0068], lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for performance on any machine/system/etc. not to

suffer since a file is held in memory until the upload is complete which in sense a

smaller file will require less memory at a given time.

66.   With respect to claim 33, the claim is rejected as the same reasons as claim 23

above. The combination of McDonnell and Brown does not disclose the sender is

further capable of receiving a trigger to send an upload request before sending the

upload request, and wherein the sender is capable of sending the upload request in

response to the trigger independent of interaction from a user of the sender.

However, in the same field of endeavor, Kohno discloses the sender is further

capable of receiving a trigger to send an upload request before sending the upload

request, and wherein the sender is capable of sending the upload request in response

to the trigger independent of interaction from a user of the sender ([0114], lines 4-8,

[0115], lines 1-7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for the transferring of data to be in sync with one another so that streaming of video, audio, or files of the same nature can be provided to the designated location without having to complexly re-configure the assortment of data received.

67.   With respect to claim 37, the claim is rejected as the same reasons as claim 1 above. The combination of McDonnell and Brown does not disclose the content comprises a plurality of data packets, wherein the controller is capable of sending an upload descriptor and thereafter uploading the content such that at least one of the controller and the network entity is capable of determining if an interruption occurs in uploading the plurality of data packets such that the recipient receives less than the plurality of data packets of the content, and if an interruption occurs in uploading the plurality of data packets, such that the network entity is capable of recovering the content based upon the upload descriptor such that the recipient receives the plurality of data packets.

However, in the same field of endeavor, Kohno discloses the content comprises a plurality of data packets ([0068], lines 1-12), wherein the controller is capable of sending an upload descriptor and thereafter uploading the content ([0069], lines 5-14) such that at least one of the controller and the network entity is capable of determining if an interruption occurs in uploading the plurality of data packets such that the recipient

receives less than the plurality of data packets of the content ([0074], lines 1-3), and if an interruption occurs in uploading the plurality of data packets, such that the network entity is capable of recovering the content based upon the upload descriptor such that the recipient receives the plurality of data packets ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for the designated recipient to acknowledge that files are missing during transfer due to known/unknown errors/interruptions and so that proper re-transfer of the missing files only will be transmitted again to save time, bandwidth, memory, cost, etc.

68.   With respect to claim 38, the claim is rejected as the same reasons as claims 23 and 37 above.   Kohno discloses the controller is capable of sending the upload descriptor and thereafter uploading the content such that, if an interruption occurs in uploading the plurality of data packets, the network entity is capable of recovering the content by determining at least one remaining data packet to be uploaded to the recipient to thereby complete uploading of the plurality of data packets of the content, and thereafter instructing the terminal to send the at least one remaining data packet such that the controller is capable of uploading the at least one remaining data packet such that the recipient receives all of the content ([0074], lines 1-15).

69.   With respect to claim 39, the claim is rejected as the same reasons as claim 23

above.   The combination of McDonnell and Brown does not disclose the content

comprises a plurality of data packets, and wherein the controller is capable of uploading

the plurality of data packets and at least one information packet regarding at least one

group of at least one data packet.

However, in the same field of endeavor, Kohno discloses the content comprises

a plurality of data packets, and wherein the controller is capable of uploading the

plurality of data packets and at least one information packet regarding at least one

group of at least one data packet ([0069], lines 1-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for the designated recipient to acknowledge that files

are missing during transfer due to known/unknown errors/interruptions and so that

proper re-transfer of the missing files only will be transmitted again to save time,

bandwidth, memory, cost, etc.

70.   With respect to claim 40, the claim is rejected as the same reasons as claims 23

and 39 above.   The combination of McDonnell and Brown does not disclose the

controller is capable of uploading the plurality of data packets and the at least one

information packet such that the network entity is capable of monitoring the uploaded

data packets to determine, based upon at least one information packet, if an interruption

occurs in uploading the plurality of data packets such that the recipient receives less

than the plurality of data packets of the content, and if an interruption occurs in

uploading the plurality of data packets, such that the network entity is capable of

recovering the content such that the recipient receives the plurality of data packets.

However, in the same field of endeavor, Kohno discloses the controller is

capable of uploading the plurality of data packets and the at least one information

packet such that the network entity is capable of monitoring the uploaded data packets

to determine, based upon at least one information packet, if an interruption occurs in

uploading the plurality of data packets such that the recipient receives less than the

plurality of data packets of the content, and if an interruption occurs in uploading the

plurality of data packets, such that the network entity is capable of recovering the

content such that the recipient receives the plurality of data packets ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for performance on any machine/system/etc. not to

suffer since a file is held in memory until the upload is complete which in sense a

smaller file will require less memory at a given time and also provide information as to

what part of the file has been sent to the designated system/device.

71.   With respect to claim 41, the claim is rejected as the same reasons as claim 23

above. The combination of McDonnell and Brown does not disclose the controller is

capable of uploading the content such that at least one of the controller and the network

entity is capable of determining if an interruption occurs in uploading the content such

that the recipient only receives a portion of the content, and if an interruption occurs in uploading the content, the controller is capable of receiving a length of the received portion of the content, and thereafter uploading a remaining portion of the content to thereby recover the content such that the recipient receives all of the content.

However, in the same field of endeavor, Kohno discloses the controller is capable of uploading the content such that at least one of the controller and the network entity is capable of determining if an interruption occurs in uploading the content such that the recipient only receives a portion of the content, and if an interruption occurs in uploading the content, the controller is capable of receiving a length of the received portion of the content, and thereafter uploading a remaining portion of the content to thereby recover the content such that the recipient receives all of the content ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for the designated recipient to acknowledge that files are missing during transfer due to known/unknown errors/interruptions and so that proper re-transfer of the missing files only will be transmitted again to save time, bandwidth, memory, cost, etc.

72.   With respect to claim 42, the claim is rejected as the same reasons as claims 23 and 41 above. Kohno discloses the controller is capable of uploading a remaining

portion of the content based upon a bit range of the remaining portion of the content

([0074], lines 1-15, [0069], lines 5-8).

73.   With respect to claim 50, the claim is rejected as the same reasons claim 45

above. The combination of McDonnell and Brown does not disclose the content

includes a plurality of pieces, and wherein the upload agent is capable of determining

an upload schedule including at least one instruction comprising an ordering of the

plurality of pieces of the content such that the sender is capable of uploading at least a

portion of the content based upon the ordering of the plurality of pieces of the content.

        However, in the same field of endeavor, Kohno discloses the content includes a

plurality of pieces, and wherein the upload agent is capable of determining an upload

schedule including at least one instruction comprising an ordering of the plurality of

pieces of the content such that the sender is capable of uploading at least a portion of

the content based upon the ordering of the plurality of pieces of the content ([0114],

lines 4-8, [0115], lines 1-7).

        Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for the transferring of data to be in sync with one

another so that streaming of video, audio, or files of the same nature can be provided to

the designated location without having to complexly re-configure the assortment of data

received.

74.   With respect to claim 53, the claim is rejected as the same reasons as claim 45

above. The combination of McDonnell and Brown does not disclose the content

comprises a plurality of data packets, wherein the upload agent is capable of

determining the upload schedule such that the sender is thereafter capable of sending

an upload descriptor and thereafter uploading the plurality of data packets, wherein the

upload agent is capable of determining if an interruption occurs in uploading the plurality

of data packets such that a recipient of the content receives less than the plurality of

data packets of the content, and wherein, if an interruption occurs in uploading the

plurality of data packets, the upload agent is capable of recovering the content based

upon the upload descriptor such that the recipient receives the plurality of data packets.

However, in the same field of endeavor, Kohno discloses the content comprises

a plurality of data packets ([0068], lines 1-12), wherein the upload agent is capable of

determining the upload schedule such that the sender is thereafter capable of sending

an upload descriptor and thereafter uploading the plurality of data packets ([0069], lines

5-14), wherein the upload agent is capable of determining if an interruption occurs in

uploading the plurality of data packets such that a recipient of the content receives less

than the plurality of data packets of the content ([0074], lines 1-3), and wherein, if an

interruption occurs in uploading the plurality of data packets, the upload agent is

capable of recovering the content based upon the upload descriptor such that the

recipient receives the plurality of data packets ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for the designated recipient to acknowledge that files

are missing during transfer due to known/unknown errors/interruptions and so that

proper re-transfer of the missing files only will be transmitted again to save time,

bandwidth, memory, cost, etc.

75.   With respect to claim 54, the claim is rejected as the same reasons as claims 45

and 53 above.   Kohno discloses the upload agent is capable of recovering the content

by determining at least one remaining data packet to be uploaded to the recipient to

thereby complete uploading of the plurality of data packets of the content, and thereafter

instructing the sender to send the at least one remaining data packet such that the

recipient receives the at least one remaining data packet ([0074], lines 1-15).

76.   With respect to claim 55, the claim is rejected as the same reasons as claim 45

above.   The combination of McDonnell and Brown does not disclose the content

comprises a plurality of data packets, and wherein the upload agent is capable of

determining the upload schedule such that the sender is thereafter capable of uploading

the plurality of data packets and at least one information packet regarding at least one

group of at least one data packet.

However, in the same field of endeavor, Kohno discloses the content comprises

a plurality of data packets, and wherein the upload agent is capable of determining the

upload schedule such that the sender is thereafter capable of uploading the plurality of

data packets and at least one information packet regarding at least one group of at least

one data packet ([0069], lines 1-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for the designated recipient to acknowledge that files are missing during transfer due to known/unknown errors/interruptions and so that proper re-transfer of the missing files only will be transmitted again to save time, bandwidth, memory, cost, etc.

77.   With respect to claim 56, the claim is rejected as the same reasons as claims 45 and 55 above.   The combination of McDonnell and Brown does not disclose the upload agent is capable of monitoring the uploaded data packets to determine, based upon at least one information packet, if an interruption occurs in uploading the plurality of data packets such that a recipient of the content recipient receives less than the plurality of data packets of the content, and wherein, if an interruption occurs in uploading the plurality of data packets, the upload agent is capable of recovering the content such that the recipient receives the plurality of data packets.

However, in the same field of endeavor, Kohno discloses the upload agent is capable of monitoring the uploaded data packets to determine, based upon at least one information packet, if an interruption occurs in uploading the plurality of data packets such that a recipient of the content recipient receives less than the plurality of data packets of the content, and wherein, if an interruption occurs in uploading the plurality of data packets, the upload agent is capable of recovering the content such that the

recipient receives the plurality of data packets ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for performance on any machine/system/etc. not to suffer since a file is held in memory until the upload is complete which in sense a smaller file will require less memory at a given time and also provide information as to what part of the file has been sent to the designated system/device.

78.   With respect to claim 57, the claim is rejected as the same reasons as claim 45 above. The combination of McDonnell and Brown does not disclose the upload agent is capable of determining if an interruption occurs in uploading the content such that a recipient of the content only receives a portion of the content, and wherein, if an interruption occurs in uploading the content, the upload agent is capable of sending the sender a length of the received portion of the content such that the sender is capable of thereafter uploading a remaining portion of the content to thereby recover the content such that the recipient receives all of the content.

However, in the same field of endeavor, Kohno discloses the upload agent is capable of determining if an interruption occurs in uploading the content such that a recipient of the content only receives a portion of the content, and wherein, if an interruption occurs in uploading the content, the upload agent is capable of sending the sender a length of the received portion of the content such that the sender is capable of thereafter uploading a remaining portion of the content to thereby recover the content

such that the recipient receives all of the content ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for the designated recipient to acknowledge that files are missing during transfer due to known/unknown errors/interruptions and so that proper re-transfer of the missing files only will be transmitted again to save time, bandwidth, memory, cost, etc.

79.   With respect to claim 66, the claim is rejected as the same reasons claims 58 and 64 above. The combination of McDonnell and Brown does not disclose the content comprises breaking up the upload content into a plurality of portions, and wherein uploading the content comprises uploading the portions of the upload content.

However, in the same field of endeavor, Kohno discloses the content comprises breaking up the upload content into a plurality of portions, and wherein uploading the content comprises uploading the portions of the upload content ([0068], lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for performance on any machine/system/etc. not to suffer since a file is held in memory until the upload is complete which in sense a smaller file will require less memory at a given time.

80.   With respect to claim 68, the claim is rejected as the same reasons claim 58

above. The combination of McDonnell and Brown does not disclose the content

includes a plurality of pieces, wherein the upload schedule includes at least one

instruction comprising an ordering of the plurality of pieces of the content, and wherein

uploading the content comprises uploading at least a portion of the content based upon

the ordering of the plurality of pieces of the content.

However, in the same field of endeavor, Kohno discloses the content includes a

plurality of pieces, wherein the upload schedule includes at least one instruction

comprising an ordering of the plurality of pieces of the content, and wherein uploading

the content comprises uploading at least a portion of the content based upon the

ordering of the plurality of pieces of the content ([0114], lines 4-8, [0115], lines 1-7).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for the transferring of data to be in sync with one

another so that streaming of video, audio, or files of the same nature can be provided to

the designated location without having to complexly re-configure the assortment of data

received.

81.   With respect to claim 72, the claim is rejected as the same reasons as claim 58

above. The combination of McDonnell and Brown does not disclose the content

comprises sending an upload descriptor and thereafter uploading the content, and the

method further comprises: determining if an interruption occurs in uploading the plurality

of data packets such that the recipient receives less than the plurality of data packets of

the content; and if an interruption occurs in uploading the plurality of data packets,

recovering the content based upon the upload descriptor such that the recipient

receives the plurality of data packets.

However, in the same field of endeavor, Kohno discloses the content comprises

sending an upload descriptor and thereafter uploading the content ([0069], lines 5-14),

and the method further comprises: determining if an interruption occurs in uploading the

plurality of data packets such that the recipient receives less than the plurality of data

packets of the content ([0074], lines 1-3); and if an interruption occurs in uploading the

plurality of data packets, recovering the content based upon the upload descriptor such

that the recipient receives the plurality of data packets ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for the designated recipient to acknowledge that files

are missing during transfer due to known/unknown errors/interruptions and so that

proper re-transfer of the missing files only will be transmitted again to save time,

bandwidth, memory, cost, etc.

82.   With respect to claim 73, the claim is rejected as the same reasons as claims 58

and 72 above.   Kohno discloses recovering the content comprises: determining at least

one remaining data packet to be received at the recipient to thereby complete uploading

of the plurality of data packets of the content; instructing the sender to send the at least

one remaining data packet; and uploading the at least one remaining data packet such

that the recipient receives all of the content ([0074], lines 1-15).

83.   With respect to claim 74, the claim is rejected as the same reasons as claim 58

above.   The combination of McDonnell and Brown does not disclose the content

comprises a plurality of data packets, and wherein uploading the content comprises

uploading the plurality of data packets and at least one information packet regarding at

least one group of at least one data packet.

        However, in the same field of endeavor, Kohno discloses the content comprises

a plurality of data packets, and wherein uploading the content comprises uploading the

plurality of data packets and at least one information packet regarding at least one

group of at least one data packet ([0069], lines 1-14).

        Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for the designated recipient to acknowledge that files

are missing during transfer due to known/unknown errors/interruptions and so that

proper re-transfer of the missing files only will be transmitted again to save time,

bandwidth, memory, cost, etc.

84.   With respect to claim 75, the claim is rejected as the same reasons as claims 58

and 74 above.   The combination of McDonnell and Brown does not disclose monitoring

the uploaded data packets to determine, based upon at least one information packet, if

an interruption occurs in uploading the plurality of data packets such that the recipient receives less than the plurality of data packets of the content; and if an interruption occurs in uploading the plurality of data packets, recovering the content such that the recipient receives the plurality of data packets.

However, in the same field of endeavor, Kohno discloses monitoring the uploaded data packets to determine, based upon at least one information packet, if an interruption occurs in uploading the plurality of data packets such that the recipient receives less than the plurality of data packets of the content; and if an interruption occurs in uploading the plurality of data packets, recovering the content such that the recipient receives the plurality of data packets ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for performance on any machine/system/etc. not to suffer since a file is held in memory until the upload is complete which in sense a smaller file will require less memory at a given time and also provide information as to what part of the file has been sent to the designated system/device.

85.   With respect to claim 76, the claim is rejected as the same reasons as claim 58 above. The combination of McDonnell and Brown does not disclose determining if an interruption occurs in uploading the content such that the recipient only receives a portion of the content; and if an interruption occurs in uploading the content, receiving a length of the received portion of the content to the sender; and uploading a remaining

portion of the content to thereby recover the content such that the recipient receives all

of the content.

However, in the same field of endeavor, Kohno discloses determining if an

interruption occurs in uploading the content such that the recipient only receives a

portion of the content; and if an interruption occurs in uploading the content, receiving a

length of the received portion of the content to the sender; and uploading a remaining

portion of the content to thereby recover the content such that the recipient receives all

of the content ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for the designated recipient to acknowledge that files

are missing during transfer due to known/unknown errors/interruptions and so that

proper re-transfer of the missing files only will be transmitted again to save time,

bandwidth, memory, cost, etc.

86.   With respect to claim 77, the claim is rejected as the same reasons as claims 58

and 76 above.   Kohno discloses uploading a remaining portion of the content

comprises uploading a remaining portion of the content based upon a bit range of the

remaining portion of the content ([0074], lines 1-15, [0069], lines 5-8).

87.   With respect to claim 88, the claim is rejected as the same reasons as claims 80

and 86 above. The combination of McDonnell and Brown does not disclose the fourth

executable portion is adapted to break up the upload content into a plurality of portions,

and wherein the third executable portion is adapted to upload the portions of the upload

content.

However, in the same field of endeavor, Kohno discloses the fourth executable

portion is adapted to break up the upload content into a plurality of portions, and

wherein the third executable portion is adapted to upload the portions of the upload

content ([0068], lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for performance on any machine/system/etc. not to

suffer since a file is held in memory until the upload is complete which in sense a

smaller file will require less memory at a given time.

88.   With respect to claim 90, the claim is rejected as the same reasons as claim 80

above. The combination of McDonnell and Brown does not the content includes a

plurality of pieces, wherein the upload schedule includes at least one instruction

comprising an ordering of the plurality of pieces of the content, and wherein the third

executable portion is adapted to upload at least a portion of the content based upon the

ordering of the plurality of pieces of the content.

However, in the same field of endeavor, Kohno discloses the content includes a plurality of pieces, wherein the upload schedule includes at least one instruction comprising an ordering of the plurality of pieces of the content, and wherein the third executable portion is adapted to upload at least a portion of the content based upon the ordering of the plurality of pieces of the content. ([0114], lines 4-8, [0115], lines 1-7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for the transferring of data to be in sync with one another so that streaming of video, audio, or files of the same nature can be provided to the designated location without having to complexly re-configure the assortment of data received.

89.   With respect to claim 94, the claim is rejected as the same reasons as claim 80 above. The combination of McDonnell and Brown does not disclose the content comprises a plurality of data packets, wherein the third executable portion is adapted to send an upload descriptor and thereafter upload the content, and wherein the computer program product further comprises: a fourth executable portion for determining if an interruption occurs in uploading the plurality of data packets such that the recipient receives less than the plurality of data packets of the content and if an interruption occurs in uploading the plurality of data packets, for recovering the content based upon the upload descriptor such that the recipient receives the plurality of data packets.

However, in the same field of endeavor, Kohno discloses the content comprises a plurality of data packets ([0068], lines 1-12), wherein the third executable portion is adapted to send an upload descriptor and thereafter upload the content ([0069], lines 5-14), and wherein the computer program product further comprises: a fourth executable portion for determining if an interruption occurs in uploading the plurality of data packets such that the recipient receives less than the plurality of data packets of the content ([0074], lines 1-3) and if an interruption occurs in uploading the plurality of data packets, for recovering the content based upon the upload descriptor such that the recipient receives the plurality of data packets ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for the designated recipient to acknowledge that files are missing during transfer due to known/unknown errors/interruptions and so that proper re-transfer of the missing files only will be transmitted again to save time, bandwidth, memory, cost, etc.

90.   With respect to claim 95, the claim is rejected as the same reasons as claims 80 and 94 above.   Kohno discloses fourth executable portion is adapted to determine at least one remaining data packet to be received at the recipient to thereby complete uploading of the plurality of data packets of the content, and instruct the sender to send the at least one remaining data packet, and wherein the third executable portion is

adapted to upload the at least one remaining data packet such that the recipient

receives all of the content ([0074], lines 1-15).

91.   With respect to claim 96, the claim is rejected as the same reasons as claim 80

above.   The combination of McDonnell and Brown does not disclose the content

comprises a plurality of data packets, and wherein the third executable portion is

adapted to upload the plurality of data packets and at least one information packet

regarding at least one group of at least one data packet.

However, in the same field of endeavor, Kohno discloses the content comprises

a plurality of data packets, and wherein the third executable portion is adapted to upload

the plurality of data packets and at least one information packet regarding at least one

group of at least one data packet ([0069], lines 1-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for the designated recipient to acknowledge that files

are missing during transfer due to known/unknown errors/interruptions and so that

proper re-transfer of the missing files only will be transmitted again to save time,

bandwidth, memory, cost, etc.

92.   With respect to claim 97, the claim is rejected as the same reasons as claims 80

and 96 above.   The combination of McDonnell and Brown does not disclose a fourth

executable portion for monitoring the uploaded data packets to determine, based upon

at least one information packet, if an interruption occurs in uploading the plurality of data packets such that the recipient receives less than the plurality of data packets of the content, and if an interruption occurs in uploading the plurality of data packets, for recovering the content such that the recipient receives the plurality of data packets.

However, in the same field of endeavor, Kohno discloses a fourth executable portion for monitoring the uploaded data packets to determine, based upon at least one information packet, if an interruption occurs in uploading the plurality of data packets such that the recipient receives less than the plurality of data packets of the content, and if an interruption occurs in uploading the plurality of data packets, for recovering the content such that the recipient receives the plurality of data packets ([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Kohno in order for performance on any machine/system/etc. not to suffer since a file is held in memory until the upload is complete which in sense a smaller file will require less memory at a given time and also provide information as to what part of the file has been sent to the designated system/device.

93.   With respect to claim 98, the claim is rejected as the same reasons as claim 80 above. The combination of McDonnell and Brown does not disclose a fourth executable portion for determining if an interruption occurs in uploading the content such that the recipient only receives a portion of the content, and if an interruption occurs in uploading the content, for receiving a length of the received portion of the content to the sender,

wherein the third executable portion is adapted to upload a remaining portion of the

content to thereby recover the content such that the recipient receives all of the content.

However, in the same field of endeavor, Kohno discloses a fourth executable

portion for determining if an interruption occurs in uploading the content such that the

recipient only receives a portion of the content, and if an interruption occurs in uploading

the content, for receiving a length of the received portion of the content to the sender,

wherein the third executable portion is adapted to upload a remaining portion of the

content to thereby recover the content such that the recipient receives all of the content

([0074], lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kohno in order for the designated recipient to acknowledge that files

are missing during transfer due to known/unknown errors/interruptions and so that

proper re-transfer of the missing files only will be transmitted again to save time,

bandwidth, memory, cost, etc.

94.   With respect to claim 99, the claim is rejected as the same reasons as claims 80

and 98 above.   Kohno discloses the third executable portion is adapted to upload a

remaining portion of the content based upon a bit range of the remaining portion of the

content ([0074], lines 1-15, [0069], lines 5-8).

95.   Claims 10, 32, 49, 67, and 89 are rejected under 35 U.S.C. 103(a) as being

unpatentable over McDonnell in view of Brown as applied to claims 1, 23, 45, 58,

and 80 and in further view of Squibbs et al. (US PUB 2004/0198426 A1, hereinafter

Squibbs).

96.   With respect to claim 10, the claim is rejected for the same reasons as claim 1

above. The combination of McDonnell and Brown does not disclose the upload

schedule includes at least one instruction defining at least one deadline for uploading

the content, and wherein the sender is capable of uploading the content based upon the

at least one deadline.

However, in the same field of endeavor, Squibbs discloses the upload schedule

includes at least one instruction defining at least one deadline for uploading the content,

and wherein the sender is capable of uploading the content based upon the at least one

deadline. ([0061], lines 10-17, [0063], lines 21-24).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Squibbs in order to ensure if a file cannot be transferred, it will not

prevent other files from transferring because of constant re-transferring of the same file

and also to accommodate non-stationary users transferring files/content while moving

from one location to another that incorporate the ability to let users transfer files as

needed so that the transfer of file/files will be transferred before the user moves out of

the incorporated transfer area.

97.   With respect to claim 32, the claim is rejected for the same reasons as claim 23

above. The combination of McDonnell and Brown does not disclose the upload

schedule includes at least one instruction defining at least one deadline for uploading

the content, and wherein the controller is capable of uploading the content based upon

the at least one deadline.

However, in the same field of endeavor, Squibbs discloses the upload schedule

includes at least one instruction defining at least one deadline for uploading the content,

and wherein the controller is capable of uploading the content based upon the at least

one deadline. ([0061], lines 10-17, [0063], lines 21-24).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Squibbs in order to ensure if a file cannot be transferred, it will not

prevent other files from transferring because of constant re-transferring of the same file

and also to accommodate non-stationary users transferring files/content while moving

from one location to another that incorporate the ability to let users transfer files as

needed so that the transfer of file/files will be transferred before the user moves out of

the incorporated transfer area.

98.   With respect to claim 49, the claim is rejected for the same reasons as claim 45

above. The combination of McDonnell and Brown does not disclose the upload agent is

capable of determining an upload schedule including at least one instruction defining at

least one deadline for uploading the content such that the sender is capable of

uploading the content based upon the at least one deadline.

However, in the same field of endeavor, Squibbs discloses the upload agent is

capable of determining an upload schedule including at least one instruction defining at

least one deadline for uploading the content such that the sender is capable of

uploading the content based upon the at least one deadline. ([0061], lines 10-17, [0063],

lines 21-24).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Squibbs in order to ensure if a file cannot be transferred, it will not

prevent other files from transferring because of constant re-transferring of the same file

and also to accommodate non-stationary users transferring files/content while moving

from one location to another that incorporate the ability to let users transfer files as

needed so that the transfer of file/files will be transferred before the user moves out of

the incorporated transfer area.

99.   With respect to claim 67, the claim is rejected for the same reasons as claim 58

above. The combination of McDonnell and Brown does not disclose the upload

schedule includes at least one instruction defining at least one deadline for uploading

the content, and wherein uploading the content comprises uploading the content based

upon the at least one deadline.

However, in the same field of endeavor, Squibbs discloses the upload schedule includes at least one instruction defining at least one deadline for uploading the content, and wherein uploading the content comprises uploading the content based upon the at least one deadline. ([0061], lines 10-17, [0063], lines 21-24).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell and Brown with the teachings of Squibbs in order to ensure if a file cannot be transferred, it will not prevent other files from transferring because of constant re-transferring of the same file and also to accommodate non-stationary users transferring files/content while moving from one location to another that incorporate the ability to let users transfer files as needed so that the transfer of file/files will be transferred before the user moves out of the incorporated transfer area.

100.   With respect to claim 89, the claim is rejected for the same reasons as claim 80 above. The combination of McDonnell and Brown does not disclose the upload schedule includes at least one instruction defining at least one deadline for uploading the content, and wherein the third executable portion is adapted to upload the content based upon the at least one deadline.

However, in the same field of endeavor, Squibbs discloses the upload schedule includes at least one instruction defining at least one deadline for uploading the content, and wherein the third executable portion is adapted to upload the content based upon the at least one deadline. ([0061], lines 10-17, [0063], lines 21-24).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Squibbs in order to ensure if a file cannot be transferred, it will not

prevent other files from transferring because of constant re-transferring of the same file

and also to accommodate non-stationary users transferring files/content while moving

from one location to another that incorporate the ability to let users transfer files as

needed so that the transfer of file/files will be transferred before the user moves out of

the incorporated transfer area.

101.   Claims 14, 36, 71, and 93 are rejected under 35 U.S.C. 103(a) as being

unpatentable over McDonnell in view of Brown as applied to claims 1, 23, 58, and

80 and in further view of Kobayashi et al. (US PUB 2007/0005809 A1, hereinafter

Kobayashi).

102.   With respect to claim 14, the claim is rejected for the same reasons as claim 1

above. The combination of McDonnell and Brown does not disclose the sender is

further capable of receiving a trigger to send an upload request before sending the

upload request, and wherein the sender is capable of sending the upload request in

response to the trigger independent of interaction from a user of the sender.

However, in the same field of endeavor, Kobayashi discloses the sender is

further capable of receiving a trigger to send an upload request before sending the

upload request, and wherein the sender is capable of sending the upload request in

response to the trigger independent of interaction from a user of the sender ([0175],
lines 1-7).

Therefore, it would have been obvious to a person of ordinary skill in the art at
the time the invention was made to combine the teachings of McDonnell and Brown with
the teachings of Kobayashi in order to incorporate multiple files being transferred at a
particular time and so that the client/user that is sending the file knows when is the best
allotted time to transfer the file.

103.   With respect to claim 36, the claim is rejected for the same reasons as claim 23
above. The combination of McDonnell and Brown does not disclose the controller is
further capable of receiving a trigger to send an upload request such that the controller
is capable of sending the upload request in response to the trigger independent of
interaction from a user of the terminal.

However, in the same field of endeavor, Kobayashi discloses the controller is
further capable of receiving a trigger to send an upload request such that the controller
is capable of sending the upload request in response to the trigger independent of
interaction from a user of the terminal ([0175], lines 1-7).

Therefore, it would have been obvious to a person of ordinary skill in the art at
the time the invention was made to combine the teachings of McDonnell and Brown with
the teachings of Kobayashi in order to incorporate multiple files being transferred at a
particular time and so that the client/user that is sending the file knows when is the best
allotted time to transfer the file.

104.   With respect to claim 71, the claim is rejected for the same reasons as claim 58

above. The combination of McDonnell and Brown does not disclose sending a trigger to

the sender to send an upload request before receiving the upload request, wherein

receiving an upload request comprises receiving an upload request in response to the

trigger independent of interaction from a user of the sender.

However, in the same field of endeavor, Kobayashi discloses sending a trigger to

the sender to send an upload request before receiving the upload request, wherein

receiving an upload request comprises receiving an upload request in response to the

trigger independent of interaction from a user of the sender ([0175], lines 1-7).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kobayashi in order to incorporate multiple files being transferred at a

particular time and so that the client/user that is sending the file knows when is the best

allotted time to transfer the file.

105.   With respect to claim 93, the claim is rejected for the same reasons as claim 80

above. The combination of McDonnell and Brown does not disclose fourth executable

portion for receiving a trigger to send an upload request before the first executable

portion sends the upload request, wherein the first executable portion is adapted to

send the upload request in response to the trigger independent of interaction from a

user of the sender.

However, in the same field of endeavor, Kobayashi discloses fourth executable

portion for receiving a trigger to send an upload request before the first executable

portion sends the upload request, wherein the first executable portion is adapted to

send the upload request in response to the trigger independent of interaction from a

user of the sender ([0175], lines 1-7).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell and Brown with

the teachings of Kobayashi in order to incorporate multiple files being transferred at a

particular time and so that the client/user that is sending the file knows when is the best

allotted time to transfer the file.

106.   Claims 21, 22, 43, 44, 78, 79, 100, and 101 are rejected under 35 U.S.C.

103(a) as being unpatentable over McDonnell in view of Brown and in further view

of Kohno as applied to claims 1, 19, 23, 41, 58, 76, 80, and 98,and in further view

of Anderson (US Pub 2003/2003/0084128 A1, hereinafter Anderson).

107.   With respect to claim 21, the claim is rejected for the same reasons as claims 1

and 19 above. The combination of McDonnell, Brown, and Kohno does not disclose the

sender is capable of receiving a length of the received portion of the content in

accordance with a hypertext transfer protocol (HTTP) HEAD technique.

However, in the same field of endeavor, Anderson discloses the sender is

capable of receiving a length of the received portion of the content in accordance with a

hypertext transfer protocol (HTTP) HEAD technique ([0036], lines 9-13, HEAD method

is identical to GET method except that the server must not return a message-body in

the response).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell, Brown, and

Kohno with the teachings of Anderson in order to retrieve whatever information is

identified by the request uniform resource identifier.

108.   With respect to claim 22, the claim is rejected for the same reasons as claims 1,

19, and 21 above. The combination of McDonnell, Brown, and Kohno does not disclose

the sender is capable of uploading the remaining portion of the content in accordance

with one of a HTTP POST and a HTTP PUT technique, wherein the one of the HTTP

POST and HTTP PUT technique includes uploading the remaining portion of the

content including header information comprising a bit range of the remaining portion of

the content.

However, in the same field of endeavor, Anderson discloses the sender is

capable of uploading the remaining portion of the content in accordance with one of a

HTTP POST and a HTTP PUT technique, wherein the one of the HTTP POST and

HTTP PUT technique includes uploading the remaining portion of the content including

header information comprising a bit range of the remaining portion of the content

([0036], lines 9-13, POST request identifies the resource that will handle the enclosed

entity and PUT request identifies the entity enclosed with the request and must know

what uniform resource identifier is intended and not attempt to apply the request to some other resource).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell, Brown, and Kohno with the teachings of Anderson in order to request that the origin server accept the entity enclosed in the request as a new subordinate of the resource identified by the request uniform resource identifier.

109.   With respect to claim 43, the claim is rejected for the same reasons as claims 23 and 41 above. The combination of McDonnell, Brown, and Kohno does not disclose the controller is capable of receiving a length of the received portion of the content in accordance with a hypertext transfer protocol (HTTP) HEAD technique.

However, in the same field of endeavor, Anderson discloses the controller is capable of receiving a length of the received portion of the content in accordance with a hypertext transfer protocol (HTTP) HEAD technique ([0036], lines 9-13, HEAD method is identical to GET method except that the server must not return a message-body in the response).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell, Brown, and Kohno with the teachings of Anderson in order to retrieve whatever information is identified by the request uniform resource identifier.

110.   With respect to claim 44, the claim is rejected for the same reasons as claims 23, 4,1 and 43 above. The combination of McDonnell, Brown, and Kohno does not disclose the controller is capable of uploading a remaining portion of the content in accordance with one of a HTTP POST and a HTTP PUT technique, wherein the one of the HTTP POST and HTTP PUT technique includes uploading the remaining portion of the content including header information comprising a bit range of the remaining portion of the content.

However, in the same field of endeavor, Anderson discloses the controller is capable of uploading a remaining portion of the content in accordance with one of a HTTP POST and a HTTP PUT technique, wherein the one of the HTTP POST and HTTP PUT technique includes uploading the remaining portion of the content including header information comprising a bit range of the remaining portion of the content ([0036], lines 9-13, POST request identifies the resource that will handle the enclosed entity and PUT request identifies the entity enclosed with the request and must know what uniform resource identifier is intended and not attempt to apply the request to some other resource).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell, Brown, and Kohno with the teachings of Anderson in order to request that the origin server accept the entity enclosed in the request as a new subordinate of the resource identified by the request uniform resource identifier.

111.   With respect to claim 78, the claim is rejected for the same reasons as claims 58

and 76 above. The combination of McDonnell, Brown, and Kohno does not disclose

receiving a length of the received portion of the content comprises receiving a length of

the received portion of the content in accordance with a hypertext transfer protocol

(HTTP) HEAD technique.

However, in the same field of endeavor, Anderson discloses receiving a length of

the received portion of the content comprises receiving a length of the received portion

of the content in accordance with a hypertext transfer protocol (HTTP) HEAD technique

([0036], lines 9-13, HEAD method is identical to GET method except that the server

must not return a message-body in the response).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell, Brown, and

Kohno with the teachings of Anderson in order to retrieve whatever information is

identified by the request uniform resource identifier.

112.   With respect to claim 79, the claim is rejected for the same reasons as claims 58,

76 and 78 above. The combination of McDonnell, Brown, and Kohno does not disclose

uploading a remaining portion of the content comprises uploading a remaining portion of

the content in accordance with one of a HTTP POST and a HTTP PUT technique,

wherein the one of the HTTP POST and HTTP PUT technique includes uploading the

remaining portion of the content including header information comprising a bit range of

the remaining portion of the content.

However, in the same field of endeavor, Anderson discloses uploading a

remaining portion of the content comprises uploading a remaining portion of the content

in accordance with one of a HTTP POST and a HTTP PUT technique, wherein the one

of the HTTP POST and HTTP PUT technique includes uploading the remaining portion

of the content including header information comprising a bit range of the remaining

portion of the content ([0036], lines 9-13, POST request identifies the resource that will

handle the enclosed entity and PUT request identifies the entity enclosed with the

request and must know what uniform resource identifier is intended and not attempt to

apply the request to some other resource).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell, Brown, and

Kohno with the teachings of Anderson in order to request that the origin server accept

the entity enclosed in the request as a new subordinate of the resource identified by the

request uniform resource identifier.

113.   With respect to claim 100, the claim is rejected for the same reasons as claims

80 and 98 above. The combination of McDonnell, Brown, and Kohno does not disclose

the fourth executable portion is adapted to receiving a length of the received portion of

the content in accordance with a hypertext transfer protocol (HTTP) HEAD technique.

However, in the same field of endeavor, Anderson discloses the fourth

executable portion is adapted to receiving a length of the received portion of the content

in accordance with a hypertext transfer protocol (HTTP) HEAD technique. ([0036], lines

9-13, HEAD method is identical to GET method except that the server must not return a

message-body in the response).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McDonnell, Brown, and

Kohno with the teachings of Anderson in order to retrieve whatever information is

identified by the request uniform resource identifier.

114.   With respect to claim 101, the claim is rejected for the same reasons as claims

80, 98 and 100 above. The combination of McDonnell, Brown, and Kohno does not

disclose the third executable portion is adapted to upload a remaining portion of the

content in accordance with one of a HTTP POST and a HTTP PUT technique, wherein

the one of the HTTP POST and HTTP PUT technique includes uploading the remaining

portion of the content including header information comprising a bit range of the

remaining portion of the content..

However, in the same field of endeavor, Anderson discloses the third executable

portion is adapted to upload a remaining portion of the content in accordance with one

of a HTTP POST and a HTTP PUT technique, wherein the one of the HTTP POST and

HTTP PUT technique includes uploading the remaining portion of the content including

header information comprising a bit range of the remaining portion of the content

([0036], lines 9-13, POST request identifies the resource that will handle the enclosed

entity and PUT request identifies the entity enclosed with the request and must know

what uniform resource identifier is intended and not attempt to apply the request to

some other resource).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McDonnell, Brown, and Kohno with the teachings of Anderson in order to request that the origin server accept the entity enclosed in the request as a new subordinate of the resource identified by the request uniform resource identifier.

Conclusion

115.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ho Ting Shiu whose telephone number is 571-270-3810. The examiner can normally be reached on Mon-Thur (7:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on 571-272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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HTS
12/18/2007

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